



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,168	11/05/1999	SANJAY P. MURALIDHAR	1899-001	4848

7590 01/31/2003

STEVEN R BARTHOLOMEW ESQ  
MORGAN LEWIS & BOCKIUS LLP  
101 PARK AVENUE  
NEW YORK, NY 10178-0060

EXAMINER

ZEENDER, FLORIAN M

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application N .	Applicant(s)	U
	09/435,168 Examiner F. Ryan Zeender	MURALIDHAR, SANJAY P. Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 December 2002.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-38 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-24 and 26-38 is/are rejected.

7) Claim(s) 25 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8-9, 23, 28-29, 33, and 37-38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Walker et al. '127. (See Cols. 4, 5, and 8)

Re claim 9: the stored “information” related to vesting of the option is, for example, the person’s name who is buying the option.

Re claim 23: the valuation (price) of the option changes based on certain criteria (Col. 7, lines 58-61).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 10-13, 17, 20, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. '127.

Walker et al. disclose all the limitations of the claims except:

**Re claims 5 and 17:** the specific mention of storing/displaying information on a current offer or bid for an option. The reference does mention “pricing” the option (Col.

3, lines 33-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Walker et al. to store/display/receive information on a current offer or bid, as it is well known in the art of business that pricing a product is a means of providing a “current offer” for sale of the product in order for the product to be bought by a customer.

**Re claims 10-12, 20, 22 and 24:** the specific teaching of the vesting information including an identification of a particular team or competitor who must qualify for a particular event; and regarding claim 20, the date on which a sale of the option will take place. The Examiner takes Official Notice that at the time of the invention, it was well known in the art of ticket sales for tournament events (i.e., College Basketball) that alumni who gave large gifts (“Top” member or “Coaches Club” member) to a respective college’s alumni association during the preseason would be awarded the option to purchase tournament tickets at the end of the regular season (date is given) for the subsequent rounds in the tournament in which the respective team was playing.

Regarding claim 22: the alumnus would know his/her “option position information” by what his/her seniority is based on the size of his/her respective gift. It is obvious that the valuation (price) of the option is based on sports wagering data which determines the market value. (*See the cited document: “Official Athletic Site of the University of Maryland”, pages 3-5, for an example of the procedure for ticket sales that is well known at major Universities*)

**Re claim 13:** the specific teaching of a unique certificate or certification number associated with the option. Walker et al. does teach a means for confirming that the

option exists (Col. 8, line 10) and further teaches that there exists information specific to the option that describes the option (Col. 8, line 7). It would have been an obvious design choice at the time of the invention to include a unique certificate or certification number, such as a reservation number, as is well known in the art, in order to have a means by which the information regarding the option can be more quickly accessed for exercising or for selling the option.

Claims 6-7, 18-19, 21, 26-27, 30-32, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. '127 in view of Wagner.

Walker et al. discloses all the limitations of the claims except the storing/displaying/receiving of information on the highest bid for the option, placing a bid on the option, displaying account balance information, and net profit/loss on current positions.

Wagner teaches a computerized options/futures trading system whereby the current highest bid for the option (See Col. 4) is stored in the computer's memory and is able to be displayed on a computer screen.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Walker et al. to include the storing/displaying/receiving of information on the highest bid for the option, in order to obtain the highest price for the sale of the option, as is well known in securities trading.

Re claims 7 and 19: Wagner teaches a system whereby the history of bids is maintained on file (See Col. 9, line 6-8).

Re claims 21 and 26-27: It is well known in the art of online trading systems that the user's account balance and net profit/loss is displayed on his terminal in order for him/her to know how much he/she is able to bid for an option and how much he/she has gained or lost on his open positions.

Re claims 30-32: receiving a specified bid, canceling a bid, and placing limit orders are well known in the art of online securities trading.

Re claims 34-36: Wagner teaches a clearing system (See Col. 17)

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. '127 in view of DeLorme et al.

Walker et al. disclose all of the limitations of the claims except: the communication link including an Internet segment, authentication of the user terminal, and use of an Internet browser.

DeLorme et al. teach a similar system whereby an option to buy an event ticket (Col. 8, line 52) is disclosed; the system teaching a communications link including an Internet segment, authentication of the user terminal, and use of an Internet browser.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Walker et al. to include a communications link with an Internet segment, authentication of the user terminal, and use of an Internet browser, as taught by DeLorme et al., in order to have remote and secure access to the system by many users around the world.

***Allowable Subject Matter***

Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 12/20/02 have been fully considered but they are not persuasive.

On page 7 of the communication, the applicant states that the "fundamental difference between the claimed invention and cited prior art... is the contingent nature of the options disclosed in the present application wherein their vesting is determined by the chosen team/contestant/participant underlying the option. The team/contestant/participant must qualify for the chosen match/contest/event". In the cited University of Maryland document (relied on by the Examiner as an example of well known methodologies), on page 3, under "ORDERING TICKETS", tickets for the second round of play are sold on March 11<sup>th</sup>, prior to the first round of play. Therefore, at the time of purchase, the person buying the second round ticket does not know whether or not the Maryland Terrapins will advance to the second round. Thus, the vesting of the second round ticket purchase is "contingent" upon the team qualifying for play in the second round. Hence, the methodology that the applicant claims to be his invention, is well known in the art. Further, this methodology can be applied to Walker et al. (in an obvious modification) in that the contingent nature of the option is whether or not the

airplane flight is cancelled or not. A "qualification" to make the flight would be whether or not the aircraft meets all safety and maintenance requirements.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-51838-5183. The receptionist's phone number for the Technology center is (703) 308-1113 and the customer service number is (703) 872-9325.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for before Final communications and (703) 872-9327 for after Final communications.

*F. Zeender* 1/29/03  
F. Zeender  
Primary Patent Examiner, A.U. 3627  
January 29, 2003